

OFFICE OF ELECTRICITY OMBUDSMAN

(A Statutory Body of Govt. of NCT of Delhi under the Electricity Act of 2003)

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Review Petition in Appeal No.10/2025

IN THE MATTER OF

Shri Tejinder Pal Singh Oberoi

Vs.

BSES Rajdhani Power Ltd.

Present:

Petitioner: Shri Tejinder Pal Singh Oberoi, in person.

Respondent: Shri Parveen Bajaj, Sr. AFO, Ms Rattandeep Kaur, CO,
Shri Sudarshan Bhattacharjee, S.M. and Shri Shreyek Gupta,
Advocate, on behalf of BRPL.

Date of Hearing: 28.05.2025

Date of Order: 29.05.2025

ORDER

1. A petition through email dated 15.05.2025 has been filed by Shri Tejinder Pal Singh Oberoi, R/o WZ-208, Street No.15, G-Block, Hari Nagar, New Delhi – 110058, seeking a review of the order dated 01.05.2025 passed by the Ombudsman in the matter of Shri Tejinder Pal Singh Oberoi vs. BRPL (Appeal No.10/2025).

2. In the said review petition, the Appellant has submitted that while the Hon'ble Ombudsman has taken cognizance of the illegal acts committed and ordered of compensation of Rs.7,500/- to be adjusted against the subsequent bills, the erring culprits have gone scot free with no action taken against them, while reiterating his stand as in the appeal about the forcible entry and extortion of money for restoration of the electricity supply vide CA No.150627840. The delay in restoration and the necessity for nipping the corrupt practices in the bud has also been emphasized as a ground for review.



3. Under Section 114 Code of Civil Procedure (CPC) read with order u/s 47 CPC provisions exist for a review of the judgement, which states as under:

“(1) Any person considering himself aggrieved – (a) by a decree or Order from which an appeal is allowed, but from which no appeal has been preferred, (b) by a decree or Order from which no appeal is allowed, or (c) by a decision on a reference from a Court of Small Causes, and who, from the discovery of new and important matter or evidence which, after the exercise of due diligence was not within his knowledge or could not be produced by him at the time when the decree was passed or Order made, or on account of some mistake or error apparent on the face of the record of for any other sufficient reason, desires to obtain a review of the decree passed or Order made against him, may apply for a review of judgement to the Court which passed the decree or made the Order.”

Accordingly, the review is maintainable only on two grounds:

- i) Discovery of new and important matter which after due diligence was not within the knowledge or could not be produced at the time of hearing or
- ii) On account of some mistake or error apparent on the face of record or for other sufficient reasons.
- iii) Law is settled that Review Petition cannot be used as a guise for appeal.

Regulation 67 of DERC (Guidelines for Establishment of the Forum and the Ombudsman for Redressal of Grievances of Electricity Consumers) Regulations, 2024, provides for a power with Ombudsman to review any order in conformity with the Principles laid down in Section 114/Order 47 CPC.

4. The review petition was taken up for hearing on 28.05.2025. During the hearing, both the parties were present. An opportunity was given to both the parties to plead their respective cases at length. Relevant questions were also asked by the Ombudsman as well as the Advisor (Law), to elicit more information on the issue.



5. During the course of hearing, the Appellant reiterated his contention as in the review petition. The Advocate appearing for the Respondent reiterated its written submission, also opposing that the Appellant has not challenged any observation in the order. Further, there was no new material or evidence produced as could not be earlier submitted despite due diligence. The factum of adjustment of the compensation amount of Rs.7,500/- in the bill duly served upon the family member was also mentioned.

6. It was emphasized by the Ombudsman that any review petition is limited only on two grounds, i) any error apparent on the face of record, ii) discovery of any new material, which after due diligence could not be produced during the hearing. In accordance with the provisions of Regulation 67 supra as a person aggrieved by the order earlier passed, an opportunity has been provided to the applicant to make his submissions in accordance with the law.

7. The power of review lies under Section 114 read with order 47 of CPC. While examining the scope of review the Supreme Court has settled the law as under:

- a. In *Col. Avatar Singh Sekhon v. Union of India and Others* [10 1980 Supp SCC 562],

".....A review of a judgement is a serious step and reluctant resort to it is proper only where a glaring omission or patent mistake or like grave error has crept in earlier by judicial fallibility. .. The present stage is not a virgin ground but review of an earlier order which has the formal feature of finality."

- b. In *Parsion Devi and Others v. Sumitri Devi and Others* [12 (1997) 8 SCC 715],

"9. Under Order 47 Rule 1 CPC a judgment may be open to review inter alia if there is a mistake or an error apparent on the face of the record. An error which is not self-evident and has to be detected by a process of reasoning, can hardly be said to be an error apparent on the face of the record justifying the court to exercise its power of review under Order 47 Rule 1 CPC. In exercise of this jurisdiction under Order 47 rule 1 CPC it is not permissible for an erroneous decision to be 'reheard and corrected'. A review petition, it must be remembered has a limited purpose and cannot be allowed to be 'an appeal in disguise.'"


- c. In *Aribam Tuleshwar Sharma v. Aribam Pishak Sharma* [15 (1979) 4 SCC 389].....



"3.....The power of review may be exercised on the discovery of new and important matter or evidence which, after the exercise of due diligence was not within the knowledge of the person seeking the review or could not be produced by him at the time when the order was made; it may be exercised where some mistake or error apparent on the face of the record is found; it may also be exercised on any analogous ground. But, it may not be exercised on the ground that the decision was erroneous on merits. That would be the province of a court of appeal. A power of review is not to be confused with appellate power which may enable an appellate court to correct all manner of errors committed by the subordinate court."

8. The review petition does not bring on record any error apparent on the face of record or the discovery of the new material which could not be produced by the Appellant at the time of the hearing, despite due diligence, as may warrant a review of the decision taken by the Ombudsman. In the operative part of Para 13 (i) of the order, it was categorically directed for an enquiry to be instituted into the entire episode for fixing responsibility on the erring officials of Discom. During the pendency of the enquiry, any order for action against the erring officials will become a preconceived notion and against the principle of natural justice. This ipso facto cannot, therefore, be a ground for review

9. In the absence of any new material submitted by the applicant or any error apparent on the face of record, the review petition is dismissed as devoid of merits.


(P. K. Bhardwaj)
Electricity Ombudsman
29.05.2025